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Security Council

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Note verbale dated 23 January 2006 from the Permanent Mission of the Czech Republic to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Czech Republic to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and with reference to the letter dated 19 August 2005, has the honour to transmit herewith additional information to the national report. The additional information is included in the enclosed document (see annex), prepared by competent Czech authorities in response to the questions contained in the matrix of 27 October 2004.

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Annex to the note verbale dated 23 January 2006 from the Permanent Mission of the Czech Republic to the United Nations addressed to the Chairman of the Committee

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Czech Republic**

Date of Report: **27 October 2004**

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?	YES	If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD			
2	General statement on commitment to disarmament and non-proliferation	X	European Union Strategy against Proliferation of WMD	
3	General statement on non-provision of WMD and related materials to non-State actors	X	Does not provide any form of support to non-State actors	Page 4 of the report
4	Biological Weapons Convention (BWC)	X	Ratified on 30 April 1975	Page 10 of the report
5	Chemical Weapons Convention (CWC)	X	Deposit 06 March 1996	Page 8 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	Deposit 22 July 1969	Page 4 of the report
7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	*Deposit 11 September 1997*	*http://disarmament.un.org:8080/TreatyStatus.nsf*
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	In force 08 February 1987	Page 5 of the report
9	Hague Code of Conduct (HCOC)	X		Page 3 of the report
10	Geneva Protocol of 1925	X	*Deposit 17 September 1993*	*http://disarmament.un.org:8080/TreatyStatus.nsf*

11	International Atomic Energy Agency (IAEA)	X		Page 17 of the report
12	Nuclear Weapons Free Zone/ Protocol(s)			
13	Other Conventions/Treaties	X	EURATOM Treaty	Page 8 of the EU report
14	Other Arrangements	X	1. Nuclear Suppliers Group (NSG) 2. Australia Group (AG) 3. Missile Technology Control Regime (MTCR) 4. Zangger Committee (ZC) 5. Wassenaar Arrangement (WA) 6. Proliferation Security Initiative (PSI) 7. Global Threat Reduction Initiative	Pages 3, 16 and 18 of the report
15	Other	X	WMD provisions in EU-Third countries Agreements	Page 6 of the EU report

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OP 2 - Biological Weapons (BW)

State: **Czech Republic**

Date of Report: **27 October 2004**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1	Manufacture/produce	X	Act No. 281/2002 certain measures related to the ban on CBW	X	1. Criminal Code (Act No. 140/1961), Section 185 a, 186 2. Act No. 281/2002, Section 21 fines	Pages10, 11, 15 and 16 of the report
2	Acquire	X	Act No. 281/2002 certain measures related to the ban on BW	X	Act No 281/2002 Certain measures related to the ban on BW, Act No 140/1961 Section 185a stockpile, otherwise handle	Page 10 of the report, S. 185a – Samal, Pury, Rizman, Criminal Code – Commentary, C.H.Beck, 5. Issue" (further only "Commentary") – "to stockpile means to gradually acquire such weapons etc. and to store them", "to otherwise handle means to handle somehow, to transfer ownership, to acquire somehow, to modify, even to consume by trial use"
3	Possess	X	Act No. 281/2002 certain measures related to the ban on BW	X	1. Criminal Code (Act No. 140/1961), Section, 185 a	Pages10, 15 and 16 of the report
4	Stockpile/store	X	Act No. 281/2002 Certain measures related to the ban on BW	X	1. Criminal Code (Act No. 140/1961), Section 185 a, 186 2. Act No. 281/2002, Section 21 fines	Pages10, 11, 15 and 16 of the report
5	Develop	X		X		
6	Transport	X	Act No. 281/2002 certain measures related to the ban on	X	Criminal Code (Act No 140/1961) Section 185a import,	S. 185a – Commentary – "to import means also the import into Czech Republic for the purpose of transport to another country"

			BW		otherwise handle	
7	Transfer	X	Act No. 281/2002 certain measures related to the ban on BW Act No. 186/2004 (amendment to Customs Code)	X	Act No 140/1961 Section 185a import, otherwise handle	Page 8 of the report
8	Use	X	Act No. 281/2002 certain measures related to the ban on BW	X	Act No. 281/2002 certain measures related to the ban on BW , Act No 140/1961 Section 185a otherwise handle, or other provisions	Other provisions of the Criminal Code – depends on nature of the conduct and/or consequences thereof, e.g. basic form of usage of forbidden weapon in war is punishable by imprisonment for 2 to 7 years under S. 262 para 1 letter a)
9	Participate as an accomplice in a.m. activities			X	Criminal Code (Act No 140/1961,Section 9)	Page 8 of the report Accomplices are responsible and punishable in the same way as the sole offender
10	Assist in a.m. activities			X	Act No 140/1961, Section 10	S. 10 applies to all forms of participation (organisation, instigation, assistance) which are punishable if the main perpetrator at least attempted the offence
11	Finance a.m. activities			X	Act No 140/1961, Section 10	Section 10 Commentary "assistance includes e.g. provision of means" for commission of an offence
12	A.m. activities related to means of delivery	X	Act No. 281/2002 certain measures related to the ban on BW	X	Act No 140/1961, Section 185a	means of delivery covered by reference of "weapons, means of combat or explosives, including radioactive materials, prohibited by law or international treaty", which includes relevant provisions of all three treaties
13	Involvement of non-State actors in a.m. activities			X	Act No. 140/1961, Section 185a, S. 186	S. 185a, 186. There is no requirement that State actors are involved
14	Other			X	Criminal Code (Act No. 140/1961), Section 185 a otherwise handle	Pages 8,9, 15 and 16 of the report

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OP 2 - Chemical Weapons (CW)

State: **Czech Republic**

Date of Report: **27 October 2004**

	Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework: YES	National legal framework: if YES, indicate source document of national implementation law	Enforcement: civil/criminal penalties and others: YES	Enforcement: civil/criminal penalties and others: if YES, indicate source document	Remarks
1	Manufacture/produce	X	*Act No 19/1997 certain measures concerning the prohibition of CW*	X	1 Act No 19/1997 could be used in violating the CW ban 2 Criminal Code (Act No 140/1961), Section 185 a, 186	Pages 8, 15 and 16 of the report
2	Acquire	X	Act No 19/1997 certain measures concerning the prohibition of CW	X	Act No 19/1997 could be used in violating the CW ban Act No 140/1961 Section 185a stockpile, otherwise handle	Page 8 of the report Commentary – "to stockpile means to gradually acquire such weapons etc and to store them", "to otherwise handle means to handle somehow, to transfer ownership, to acquire somehow, to modify, even to consume by trial use"
3	Possess	X	Act No 19/1997	X	Criminal Code (Act No 140/1961) Section, 185 a	Pages 15 and 16 of the report
4	Stockpile/store	X	Act No 19/1997 certain measures concerning the prohibition of CW	X	1 Act No 19/1997 could be used in violating the CW ban 2 Criminal Code (Act No 140/1961), Section 185 a, 186	Pages 8, 15 and 16 of the report

5	Develop	X	Act No. 19/1997	X	*Act No. 19/1997* Criminal Code (Act No. 140/1961), Section 185 a, 186,	Pages 15 and 16 of the report
6	Transport	X	Act No. 19/1997	X	*Act No. 19/1997* Criminal Code (Act No. 140/1961), Section 185a: import, otherwise handle, S 186: import, export, transfer, procure for another,	S. 185a – Commentary – "to import means also the import into Czech Republic for the purpose of transport to another country"
7	Transfer	X	Act No. 19/1997: certain measures concerning the prohibition of CW	X	Act No. 19/1997: could be used in violating the CW ban, Act No. 140/1961, Section 185a: import, otherwise handle, S 186: import, transfer	Page 8 of the report
8	Use	X	Act No. 19/1997	X	Act No. 19/1997: could be used in violating the CW ban, Act No. 140/1961: Section 185a: otherwise handle, or other provisions	Page 8 of the report Other provisions of the Criminal Code – depends on nature of the conduct and/or consequences thereof, e.g. basic form of usage of forbidden weapon in war is punishable by imprisonment for 2 to 7 years under S. 262 para 1 letter a)
9	Participate as an accomplice in a.m. activities			X	Criminal Code (Act No. 140/1961, Section 9)	Accomplices are responsible and punishable in the same way as the sole offender.
10	Assist in a.m. activities			X	Act No. 19/1997: could be used in violating the CW ban, Act No. 140/1961, Section 10	Page 8 of the report S. 10 applies to all forms of participation (organisation, instigation, assistance) which are punishable if the main perpetrator at least attempted the offence
11	Finance a.m. activities			X	Act No. 140/1961, Section 10	Section 10 Commentary: "assistance includes e.g. provision of means" for commission of an offence

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12	A m activities related to means of delivery	X	Act No. 19/1997	X	Act No. 140/1961, S 185a	Means of delivery covered by reference of "weapons, means of combat or explosives, including radioactive materials, prohibited by law or international treaty", which includes relevant provisions of all three treaties
13	Involvement of non-State actors in a m activities			X	Act No. 140/1961, Section 185a, S 186	S 185a and S 186. There is no requirement that State actors are involved
14	Other			X	Criminal Code (Act No. 140/1961), Section 185 a otherwise handle	Pages 8, 9, 15 and 16 of the report

OP 2 - Nuclear Weapons (NW)

State: Czech Republic

Date of Report: 27 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1	Manufacture/produce	X	Act No. 18/1997 (Atomic Act) as amended, Section 4	X	Criminal Code (Act No. 140/1961), Section 186, 185a	Pages 15 and 16 of the report
2	Acquire	X	Act No. 18/1997 (Atomic Act) as amended, Section 4	X	Criminal Code (Act No. 140/1961), Section 186, 185a stockpile, otherwise handle	Page 15 of the report
3	Possess	X	Act No. 18/1997 (Atomic Act) as amended	X	Criminal Code (Act No. 140/1961), Section 186, 185a	Pages 15 and 16 of the report
4	Stockpile/store	X	Act No. 18/1997 (Atomic Act) as amended	X	Criminal Code (Act No. 140/1961), Section 186, 185a	Pages 15 and 16 of the report
5	Develop	X	Act No. 18/1997 (Atomic Act) as amended	X	Criminal Code (Act No. 140/1961), Section 186, 185a	Pages 15 and 16 of the report
6	Transport	X	Act No. 18/1997 (Atomic Act) as amended	X	Criminal Code Section 185a import, otherwise handle, S 186 import, export, transfer, procure for another,	S. 185a – Commentary – "to import means also the import into Czech Republic for the purpose of transport to another country"

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7	Transfer	X	Act No. 18/1997 (Atomic Act) as amended, Section 5	X	Criminal Code (Act No. 140/1961), Section 185a import, otherwise handle, S. 186. import, transfer	Page 15 of the report
8	Use	X	Act No. 18/1997 (Atomic Act) as amended, Section 5	X	Criminal Code (Act No. 140/1961), Section 185a otherwise handle, or other provisions	Other provisions of the Criminal Code – depends on nature of the conduct and/or consequences thereof, e.g. basic form of usage of forbidden weapon in war is punishable by imprisonment for 2 to 7 years under S. 262 para 1 letter a)
9	Participate as an accomplice in a.m. activities			X	Criminal Code (Act No. 140/1961, section 9)	Accomplices are responsible and punishable in the same way as the sole offender
10	Assist in a.m. activities			X	Criminal Code (Act No. 140/1961, section 10)	S. 10 applies to all forms of participation (organisation, instigation, assistance) which are punishable if the main perpetrator at least attempted the offence
11	Finance a.m. activities			X	Criminal Code (Act No. 140/1961, section 10)	Section 10. Commentary. "assistance includes e.g. provision of means" for commission of an offence
12	A.m. activities related to means of delivery			X	Act No. 140/1961, S. 185a	Means of delivery covered by reference of "weapons, means of combat or explosives, including radioactive materials, prohibited by law or international treaty", which includes relevant provisions of all three treaties
13	Involvement of non-State actors in a.m. activities			X	Act No. 140/1961, Section 185a, S. 186	S. 185a and S. 186. There is no requirement that State actors are involved
14	Other			X	Criminal Code (Act No. 140/1961), Section 185 a otherwise handle	Pages 15 and 16 of the report

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OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: **Czech Republic**

Date of Report: 27 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Measures to account for production	X	1. Act No. 281/2002 2. Regulation No 474/2002	X	1. Act No. 281/2002, Section 21 2. Criminal Code, Section 186 (Highly dangerous hazardous materials)	Page 11 of the report
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport		Act No. 281/2002 and Act No. 186/2004	X	Criminal Code Section 186 without right	Valid license for "manufacture, import, export, transport, holding or procuring for another" of a radioactive materiel or highly dangerous substance prevents criminal liability
5	Other measures for accounting					
6	Measures to secure production	X	Directive 2000/54/EC	X	Act No. 281/2002, Section 21 Criminal Code Section 186	Pages 10 and 11 of the EU report
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		
9	Measures to secure transport	X	Council Directives 94/55/EEC and 96/49/EEC	X	Party to ADR and RID Agreements	Pages 10 and 11 of the EU report

10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing/registration of facilities/persons handling biological materials	X	Licenses granted by State Office for Nuclear Safety	X	1. Systematic control of handling of highly dangerous and dangerous agents and toxins 2. Act No. 281/2002, Section 21: fines 3. Criminal Code, Section 186	Page 11 of the report
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	Regulations for genetic engineering work	X	Act 78/2004			
16	Other legislation/ regulations related to safety and security of biological materials	X	Directive 89/391/EC			Page 10 of the EU report
17	Other	X	Act No. 281/2002: national regime for controlling transfers; Government Resolution No. 306 of 29 March 2000: State Office for Nuclear Safety to develop a legislative framework; Act No. 258/2000; Act No. 166/1999; Act No. 147/1999; Regulation 298/2003 Regulation 528/2004			Pages 10 and 11 of the report

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **Czech Republic**

Date of Report: **27 October 2004**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Measures to account for production	X	Act No. 19/1997, Regulation No. 50/1997	X	1. Act No. 19/1997 as amended 2. Criminal Code, Section 186	Pages 8 and 9 of the report
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport	X	Act No. 19/1997	X	Act No. 19/1997, Criminal Code S. 186	S. 186: Valid license for "manufacture, import, export, transport, holding or procuring for another" of a radioactive materiel or highly dangerous substance prevents criminal liability.
5	Other measures for accounting	X	Act No. 19/1997	X	Act No. 19/1997	
6	Measures to secure production	X	1. Directive 98/24 /EC 2. Act No. 19/1997	X	1. Act No. 19/1997 as amended 2. Criminal Code, Section 186	Page 10 of the EU report pages 8 and 9 of the report
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		

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9	Measures to secure transport	X	1. Act No. 19/1997 2. Council Directives 94/55/EEC and 96/49/EEC	X	Party to ADR and RID agreements	Page 9 of the report pages 10 and 11 of the EU report
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing of chemical installations/entities/use of materials	X	Act 19/1997, State Office for Nuclear Safety	X	1. Act No. 19/1997 2. Criminal Code, Section 186	Pages 8 and 9 of the report
13	Reliability check of personnel	X	Act No. 19/1997			
14	Measures to account for/secure/ physically protect means of delivery					
15	National CWC authority	X	State Office for Nuclear Safety (Act No. 19/1997 as amended)			Pages 8 and 9 of the report
16	Reporting Schedule I, II and III chemicals to OPCW	X	Annual declaration to OPCW			Page 9 of the report
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/ regulations controlling chemical materials	X	Act No.38/1994, Act No.353/1999, Act No.356/2003			
19	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: **Czech Republic**

Date of Report: 27 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Measures to account for production	X	Regulation No 145/1997 as amended by Regulation No 316/2002, Commission Regulation (EURATOM) No 302/2005	X	1. Atomic Act 18/1997, Sections 40 and/or 41 remedial measures and/or sanctions 2. National system of nuclear materials accountancy and control 3. Criminal Code, S 186 Criminal Code, S 186	Pages 6 and 7 of the report
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport	X		X		S. 186 Valid license for "manufacture, import, export, transport, holding or procuring for another" of a radioactive materiel or highly dangerous substance prevents criminal liability
5	Other measures for accounting	X	1. Council Directives 2003/122/ EURATOM 2. Directive 96/29/EURATOM			Page 8 of the EU report
6	Measures to secure production	X	Regulation No 144/1997 as amended by Regulation No. 500/2005	X	Atomic Act 18/1997, Sections 40 and/or 41. remedial measures and/or sanctions	Page 6 of the report
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		

9	Measures to secure transport	X	Regulation No.317/2002, Council Directives 94/55/EEC and 96/49/EEC	X	1. Directive 92/3 EURATOM: prior notification of shipments 2. Atomic Act 1989, Sections 40 and/or 41: remedial measures and/or sanctions	Page 6 and 7 of the report pages 10 and 11 of EU report
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	Regulation No. 144/1997 as amended by Regulation No. 500/2005	X	Atomic Act No.18/1997, Sections 40 and/or 41 remedial measures and/or sanctions,	Page 6 of the report
12	Licensing of nuclear installations/entities/use of materials	X	Act No. 18/1997 (Atomic Act) as amended by Act No. 13/2002	X	Atomic Act No.18/1997, Sections 40 and/or 41 remedial measures and/or sanctions Criminal Code: S. 186 (hold)	pages 5 and 6 of the report
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	National regulatory authority	X	State Office for Nuclear Safety (Atomic Act)			page 6 of the report
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement in force 11 September 1997 2. Additional Protocol in force 01 July 2002			Page 5 of the report
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	*Expressed support to IAEA DG*			

18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	*Contributes to Database Programme*			
19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM					
21	Other		Regulation No. 144/1997 has been amended by Regulation No. 500/2005			Page 8 of the report

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OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: **Czech Republic**

Date of Report: 27 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Border control	X	1. Council Regulation No. 2913/1992 (Community Customs Code), 2. Commission Regulation No 2454/1993 (Implementing Provisions to the Community Customs Code), 3. Act No. 13/1993 (Customs Act) as amended, 4. Act No. 185/2004 (concerning Customs Administration) 5. Act No. 186/2004	X	Customs Administration	Pages 12 and 13 of the report
2	Technical support of border control measures	X	Act No. 185/2004			
3	Control of brokering, trading in, negotiating, otherwise assisting	X	Act No. 185/2004			Page 12 of the report

	in sale of goods and technology					
4	Enforcement agencies/authorities			X	Customs Administration	Page 13 of the report
5	Export control legislation in place	X	1. Council Regulation (EC) No. 1334/2000 as amended 2. Act No. 594/2004 3. Act No. 281/2002 4. Act No. 38/1994 as amended	X	1. Act No. 594/2004, §17-18. 2. Act No. 38/1994, 3. Criminal Code (Act No. 140/1961 as amended), S. 124 a-f	Pages 10, 11 and 14 to 16 of the report
6	Licensing provisions	X		X		
7	Individual licensing	X	Examine each case	X	1. Act No. 594/2004, § 17-18 2. Criminal Code (Act No. 140/1961 as amended)	Page 14 of the report
8	General licensing	X	CGEA (Community General Export Authorisation) No. 001, Annex II of Council Regulation No. 1504/2004	X	1. Act. No. 594/2004, § 17-18, 2. Criminal Code (Act No. 140/1961 as amended)	
9	Exceptions from licensing	X	Within the community free circulation of all goods, exceptions are listed in Annex IV of Council Regulation (EC) 1504/2004			Page 14 of the EU report
10	Licensing of deemed export/visa					

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11	National licensing authority	X	State Office for Nuclear Safety Ministry of Industry and Trade, Licensing Office	X	Criminal Code (Act No 140/1961 as amended), S 124 a-f	Page 9 of the report
12	Interagency review for licenses	X	Consult with competent authorities	X	EU members should consult with other members before issuing licences – in specific cases	Page 15 of the report page 15 of the EU report
13	Control lists	X	1 List in Annex I to Council Regulation (EC) No 1334/2000 2 Council Regulation (EC) No 1504/2004 3 List in Annex to Regulation No 474/2002			Page 16 of the report page 14 of the EU report
14	Updating of lists	X	List is subject to updates			Page 16 of the report
15	Inclusion of technologies	X	Council Regulation (EC) 1334/200 as amended, Act No 594/2004, Czech Customs Code			Page 14 of the report
16	Inclusion of means of delivery	X				Page 14 of the report
17	End-user controls	X				Page 14 of the report
18	Catch all clause	X				Page 14 of the report
19	Intangible transfers	X				Page 14 of the report
20	Transit control	X	Czech Customs Code			Page 15 of the report
21	Trans-shipment control	X	Czech Customs Code			Page 15 of the report
22	Re-export control	X	Council Regulation (EC) 1334/200 as amended, Act No 594/2004, Czech Customs Code	X		Act No 594/2004, Criminal code (Act No 140/161 as amended)
23	Control of providing funds					

24	Control of providing transport services					
25	Control of importation		Act No. 281/2002	X	Criminal Code (Act No. 140/1961 as amended), S. 124 a-f	pages 14 and 15 of the report
26	Extraterritorial applicability			X	Criminal Code, S. 17- 21	Criminal provisions apply to conduct outside of the Czech territory under certain conditions, such as nationality, aut dedere aut iudicare principle etc.
27	Other	X	Control of technical assistance – Act No. 594/2004, § 12	X	1. Act No. 594/2004, § 17-18 2. Criminal Code (Act No. 140/1961 as amended	page 14 of the report

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OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: **Czech Republic**

Date of Report: 27 October 2004

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?	National legal framework: YES	National legal framework: If YES, indicate source document	Enforcement: civil/criminal penalties, and measures of implementation, etc: YES	Enforcement: civil/criminal penalties, and measures of implementation, etc: If YES, indicate source document	Remarks
1	Border control	X	1. Council Regulation No. 2913/1992 (Community Customs Code) 2. Commission Regulation No. 2454/1993 (Implementing Provisions to the Community Customs Code) 3. Act No. 13/1993 (Customs Act) as amended 4. Act No. 185/2004 (concerning Customs Administration) 5. Act No. 186/2004	X	Customs Administration	Pages 12 and 13 of the report
2	Technical support of border control measures	X	Act No. 185/2004			
3	Control of brokering, trading in, negotiating,	X	Act No. 185/2004			Page 13 of the report

	otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities			X	State Office for Nuclear Safety, Customs Administration	Page 13 of the report
5	Export control legislation in place	X	1. Council Regulation (EC) No. 1334/2000 2. Act No. 594/2004 3. Act No. 19/1997 as amended 4. Act No. 38/1994 as amended	X	1. Act No. 594/2004, § 17-18; 2. Act No. 19/1997, section 32: fines; 3. Act No. 38/1994, 4. Criminal Code (Act No. 140/1961 as amended)	Pages 9 to 11 and 14 to 16 of the report
6	Licensing provisions	X		X		
7	Individual licensing	X	Act No.594/2004 Examine each export Act No. 19/1997	X	1. Act No. 594/2004, § 17-18 2. Criminal Code (Act No.140/1961 as amended)	Page 14 of the report
8	General licensing	X	CGEA (Community General Export Authorisation) No. 001, Annex II of Council Regulation EC) No. 1504/2004	X	1. Act No. 594/2004, § 17-18 2. Criminal Code (Act No. 140/1961 as amended)	
9	Exceptions from licensing	X	Within the community free circulation of all goods, exceptions are listed in Annex IV of Council Regulation (EC) No. 1504/2004			Page 14 of the EU report

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10	Licensing of deemed export/visa					
11	National licensing authority	X	Ministry of Industry and Trade, Licensing Office State Office for Nuclear Safety	X	Criminal Code (Act No. 140/1961 as amended), S. 124 a-f	Page 9 of the report
12	Interagency review for licenses	X	Consult with competent authorities	X	EU members should consult with other members before issuing licenses – in specific cases	Page 15 of the report page 15 of the EU report
13	Control lists	X	1. List in Annex I to Council Regulation (EC) No. 1334/2000 2. Council Regulation (EC) No. 1504/2004,3. Regulation 50/1997			Page 16 of the report page 14 of the EU report
14	Updating of lists	X	List is subject to updates			Page 16 of the report
15	Inclusion of technologies	X	Council Regulation (EC) 1334/200 as amended, Act No 594/2004, Czech Customs Code			Page 14 of the report
16	Inclusion of means of delivery	X				Page 14 of the report
17	End-user controls	X				Page 14 of the report
18	Catch all clause	X				Page 14 of the report
19	Intangible transfers	X				Page 14 of the report
20	Transit control	X	Czech Customs Code			Page 15 of the report
21	Trans-shipment control	X	Czech Customs Code			Page 15 of the report
22	Re-export control	X	Council Regulation (EC) 1334/200 as amended, Act No 594/2004, Czech Customs Code			Act No 594/2004, Criminal code (Act No 140/161 as amended)

23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	1. Act No. 19/1997 2. Act No. 38/1994	X	1. Act No. 19/1997, section 32: fines 2. Act No. 38/1994, 3. Criminal Code (ActNo. 140/1961 as amended)	Pages 9 and 14 to 16 of the report
26	Extraterritorial applicability	X	*Act No. 19/1997*	X	Criminal Code, S. 17- 21	Criminal provisions apply to conduct outside of the Czech territory under certain conditions, such as nationality, aut dedere aut iudicare principle etc.
27	Other	X	Control of technical assistance – Act No. 594/2004, § 12		1. Act No. 594/2004, § 17-18 2. Criminal Code (Act No. 140/1961 as amended)	Page 14 of the report

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OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: **Czech Republic**

Date of Report: **27 October 2004**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Border control	X	1. Council Regulation No. 2913/1992 (Community Customs Code) 2. Commission Regulation No. 2454/1993 (Implementing Provisions to the Community Customs Code) 3. Act No. 13/1993 (Customs Act) as amended 4. Act No. 185/2004 (concerning Customs Administration) 5. Act No. 18/1997	X	Customs Administration	pages 12 and 13 of the report
2	Technical support of border control measures		Act No. 18/1997			

3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Act No. 185/2004 Act No. 18/1997			Page 13 of the report
4	Enforcement agencies/authorities	X	Act No.18/1997 (Atomic Act) as amended, Section 39	X	State Office for Nuclear Safety, Customs Administration	Page 13 of the report
5	Export control legislation in place	X	1. Council Regulation (EC) No. 1334/2000 as amended by Council Regulation (EC) No. 1504/2004 2. Act No. 594/2004 3. Act No. 18/1997 (Atomic Act) as amended; 4. Act No. 38/1994	X	1. Act No. 594/2004, § 17-18 2. Atomic Act 18/1997 as amended, Sections 40 and/or 41 3. Criminal Code (Act No. 140/1961)	Pages 10, 11 and 14 to 16 of the report
6	Licensing provisions	X		X		
7	Individual licensing	X	Examine each case, Act No. 594/2004, Act 18/1997 (Atomic Act) as amended	X	1. Act No. 594/2004, !17-18 2. Act. No 18/1997 (Atomic Act) as amended 3. Criminal Code (Act No. 140/1961 as amended)	Page 14 of the report
8	General licensing					
9	Exceptions from licensing	X	Within the community free circulation of all goods, exceptions are listed in Annex IV of Regulation 1504/2004			Page 14 of the EU report
10	Licensing of deemed export/visa					

11	National licensing authority	X	Licensing authority at the Ministry of Industry and Trade, State Office for Nuclear Safety	X	Criminal Code (Act No 140/1961 as amended), S 124 a-f	Page 9 of the report
12	Interagency review for licenses	X	Consult with competent authorities	X	EU members should consult with other members before issuing licenses – in specific cases	Page 15 of the report pag Criminal provisions apply to conduct outside of the Czech territory under certain conditions, such as nationality, aut dedere aut iudicare principle etc. e 15 of the EU report
13	Control lists	X	List in Annex I to Council Regulation (EC) No. 1334/2000 as amended by Council Regulation (EC) No. 1504/2004, Regulation 179/2002			Page 16 of the report page 14 of the EU report
14	Updating of lists	X	List is subject to updates			Page 16 of the report
15	Inclusion of technologies	X	Council Regulation (EC) 1334/200 as amended, Act No 594/2004, Czech Customs Code Act No. 18/1997			Page 14 of the report
16	Inclusion of means of delivery	X				Page 14 of the report
17	End-user controls	X				Page 14 of the report
18	Catch all clause	X	Council Regulation (EC) 1334/200 as amended, Act No.594/2004, Czech Customs Code			Page 14 of the report
19	Intangible transfers	X	Council Regulation (EC) 1334/200 as amended, Act No.594/2004, Czech Customs Code Act No. 18/1997			Page 14 of the report
20	Transit control	X	Czech Customs Code Act No. 18/1997			Page 15 of the report
21	Trans-shipment control	X	Czech Customs Code			Page 15 of the report
22	Re-export control	X	Council Regulation (EC) 1334/200 as amended, Act No.594/2004, Czech Customs Code Act No. 18/1997			Act No.594/2004, Criminal code (Act No.140/161 as amended)

23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	Act No. 18/1997 as amended	X	1. Atomic Act 18/1997 as amended, Sections 40 and/or 41 2. Criminal Code (Act No. 140/1961)	Pages 6, 7 and 14 to 16 of the report
26	Extraterritorial applicability	X	Act No. 18/1997	X	Criminal Code S. 17- 21	Criminal provisions apply to conduct outside of the Czech territory under certain conditions, such as nationality, aut dedere aut iudicare principle etc.
27	Other	X	Control of technical assistance – Act No. 594/2004, § 12 Act No. 18/1997	X	1. Act No. 594/2004, § 17-18 2. Criminal Code (Act No. 140/1961 as amended)	Page 14 of the report

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OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **Czech Republic**

Date of Report: **27 October 2004**

	Can information be provided on the following issues?	YES		Remarks
1	Control lists - items (goods/ equipment/materials/technologies)	X	Control list in Annex I to the Council Regulation (EC) No. 1334/2000 which is subject to updates	Page 16 of the report
2	Control lists - other	X	1.List of nuclear and nuclear related dual-use items (Regulation No. 179/2002); 2. List of highly dangerous biological agents and toxins (Regulation No. 474/2002); 3. List of scheduled chemicals (Regulation No.50/1997)	Pages 6 and 11 of the report
3	Assistance offered	X	Prepared to provide assistance as appropriate in response to specific requests	Page 16 of the report
4	Assistance requested			

5	Assistance in place (bilateral/plurilateral/multilateral)	X	Joined the group of donor countries actively contributing to the destruction of chemical weapons	Page 17 of the report
6	Information for industry	X	Basic information, including the operative legislation, lists forms, explanations and instructions are available on a regularly updated web site. MIT has developed a model export internal audit programme, including an introductory training course, which was offered to Czech companies free of charge.	Page 18 of the report
7	Information for the public	X	Basic information, including the operative legislation, lists forms, explanations and instructions are available on a regularly updated web site.	Page 18 of the report

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